IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 12TH JANUARY 2007 / 22ND PAUSHA 1928

Crl.MC.No. 3456 of 2006()

CC.387/2006 of CHIEF JUDICIAL MAGISTRATE COURT, THODUPUZHA

.....

PETITIONER:

VINOD, S/O.MANIKANDAN NAIR,
KANDAMANGALATH HOUSE, MANAKKAD,
THODUPUZHA.

BY ADV. SRI.MVS.NAMBOOTHIRY

RESPONDENTS:

---

1. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. SARITHA S.NAIR,
D/O.SATHYANADHAN, AVANALI HOUSE,
VATTANATHARA P.O., AMBALLOOR,
MUKUNDAPURAM TALUK, THRISSUR.

BY PUBLIC PROSECUTOR SRI. THOMAS JOHN.
SRI.JIJO PAUL (R1)

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 12/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 3456 OF 2006

Dated this the 12th day of January, 2007

ORDER

The petitioner faces indictment in a prosecution under Sec.498A of the IPC. Proceedings were initiated on the basis of a private complaint filed by the 2nd respondent - wife. The same was referred to the police under Sec.156(3) of the Cr.P.C. After completing the investigation, the police have filed a final report. Cognizance has, accordingly, been taken and process has been issued to the petitioner. Before appearing before the date of posting for appearance before the learned Magistrate, the petitioner has rushed to this Court with this petition with a prayer that the powers under Sec.482 of the Cr.P.C. may be invoked to quash the proceedings against the petitioner.

2. What is the reason? In the petition, it is submitted that no serious allegations are raised to justify the taking of cognizance under Sec.498A of the IPC. It is further alleged that the continuation of the criminal proceedings will

foreclose all possibilities of a reconciliation between the petitioner and his wife. No other grounds are urged.

3. I have been taken through the averments in the complaint filed by the 2nd respondent, a copy of which is produced as Annexure-III. I have also been taken through Annexure-V final report submitted by the police. It will be unnecessary for this Court to express any final opinion on the acceptability of the allegations and encumber the records. Suffice it to say that having very carefully gone through the averments in Annexure-III complaint and having considered the final report – Annexure-V submitted by the police, I find absolutely no justifiable reason which can persuade this Court to invoke the powers under Sec.482 of the Cr.P.C. This certainly is not a fit case where such extraordinary inherent powers available to this Court to prematurely terminate the proceedings can or ought to be invoked.

4. This Crl.M.C. is, in these circumstances, dismissed. But I may hasten to observe that the dismissal of this Crl.M.C. will not, in any way, fetter the rights of the petitioner to claim

discharge/acquittal before the learned Magistrate at the appropriate stage.

Sd/-

(R. BASANT, JUDGE)

Nan/

//true copy//

P.S. to Judge